

COPY OF PAPERS  
ORIGINALLY FILED

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit No.: 2157

Kevin E. Kalajan

Examiner: Burgess, Barbara N

Serial No.: 09/163,246

Filed on: September 29, 1998

For: HETEROGENEOUS NETWORK FILE  
ACCESSBox Amend  
Commissioner of Patents  
Washington, D.C. 20231**DECLARATION PURSUANT TO 37 C.F.R. §1.131**

I, Kevin E. Kalajan, declare the following:

(1) I am the sole inventor of the invention described and claimed in U.S.

Application No. 09/163,246.

(2) In the latter part of 1997, I worked on a project known as "Netfile" and "Netfile Manager". The purpose of the Netfile project was to implement the claimed invention in a product known as "Remote Passage Server". Exhibit A is an email dated October 27, 1997, in which my colleague, Burt Fujii, and I discussed certain aspects of the invention, including the accessing of files on the Unix, Windows 95/NT, and Novell file systems, and the high "IQ" features of file compression, mail-from-server, recursive search, upload, and create directory/folder.

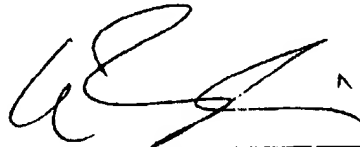
(3) In the early part of 1998, a version of the Remote Passage Server embodying the claimed invention was completed. This version of the Remote Passage Server was delivered to Boston College shortly thereafter. Exhibit B is a purchase order dated April

28, 1998, for the Remote Passage Server. Exhibit C is a shipping order indicating that the Remote Passage Server was shipped to Boston College on May 6, 1998. Since this version of the Remote Passage Server embodied the claimed invention, it follows that the claimed invention was actually reduced to practice no later, but possibly earlier, than May 6, 1998.

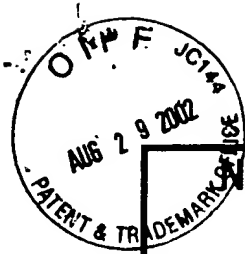
(4) All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

8/22/02

Date



Kevin E. Kalajan



2157

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NO FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision,  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$)**0.00**

**Complete if Known**

Application Number	09/163,246
Filing Date	September 29, 1998
First Named Inventor	Kevin E. Kalajan
Examiner Name	Barbara N. Burgess
Group/Art Unit	2157
Attorney Docket No.	15437-0102

COPY OF PAPERS  
ORIGINALLY FILED

**METHOD OF PAYMENT (check one)**

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number: **50-1302**

Deposit Account Name: **Hickman Palermo Truong & Becker, LLP**

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other

3. ☐ Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27.

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
<b>SUBTOTAL (3) (\$)</b> 0.00					

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Provisional filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b> 0.00					

**2. EXTRA CLAIM FEES**

Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid	
38	-38=	0	18.00	0.00	
4	-4**=	0	84.00	0.00	
Multiple Dependent					

\*\*For number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2) (\$)</b> 0.00					

**SUBMITTED BY**

Name (Print/Type)	Bobby K. Truong	Registration No. (Attorney/Agent)	37,499	Telephone	(408) 414-1080
Signature		Date	August 23, 2002		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box No Fee Amend, Commissioner for Patents, Washington, DC 20231.

P3642



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NO FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision,  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$)**0.00****Complete if Known**

Application Number	09/163,246
Filing Date	September 29, 1998
First Named Inventor	Kevin E. Kalajan
Examiner Name	Barbara N. Burgess
Group/Art Unit	2157
Attorney Docket No.	15437-0102

COPY OF PAPER  
ORIGINALLY FILED**METHOD OF PAYMENT (check one)**

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number  
**50-1302**Deposit Account Name  
**Hickman Palermo Truong & Becker, LLP**

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other

3. ☐ Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**(\$)**0.00****FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					(\$) <b>0.00</b>

**2. EXTRA CLAIM FEES**

Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid
38	-38=	0	18.00	0.00
4	-4**=	0	84.00	0.00

Multiple Dependent

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**(\$)**0.00****SUBMITTED BY**Name (Print/Type) **Bobby K. Truong**Registration No. (Attorney/Agent) **37,499**Telephone **(408) 414-1080**

Signature

Date

**August 23, 2002**

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box No Fee Amend, Commissioner for Patents, Washington, DC 20231.

Exhibit A

Untitled

From burt Mon Oct 27 08:27:53 1997  
Received: (from burt@localhost)  
by i-planet.i-planet.com (8.8.7/8.8.7) id IAA25973;  
Mon, 27 Oct 1997 08:27:53 -0800 (PST)  
Date: Mon, 27 Oct 1997 08:27:53 -0800 (PST)  
From: "burt fujii" <burt@i-planet.com>  
Message-Id: <199710271627.IAA25973@i-planet.i-planet.com>  
To: kek@i-planet.com  
Subject: Re: outline for netfilemgr presentation  
Cc: burt@i-planet.i-planet.com, lui@i-planet.i-planet.com,  
qcheng@i-planet.i-planet.com  
Status: RO  
Content-Length: 2385

> burt, can you let me know of any suggested changes to this outline before  
> I start doing the powerpoint version?  
> thx!  
> k

> (this is for the meeting with keeley)

> Overview of NetFileManager Objectives

- > - Client Independent
- > - High Security Level
- > - Integration with SSS (Solely Single Sign-on)
- > - Secure access to user data behind firewall (proxied)

> Overview of NetFileManager Components

- > - Roaming Support (iPass)
- > - Authentication
  - > = S/Key
  - > = SSS
  - > = PDC's
- > - Access-Control
  - > - i-Opener
- > - System Security
  - > - Random vs. 443 SSL Port
  - > - IP Forwarding Turned Off
  - > - No routing vectors
  - > - SATAN detector
- > - User verification
  - > - Radius
  - > - Sun-specific (?)

add name services.

see below.

- > - File Systems
  - > - Unix
  - > - Windows 95/NT
  - > - Novell
- > - High "IO" Apps
  - > - File compression
  - > - Mail-from-Server
  - > - Recursive Search
  - > - Upload
  - > - Create directory/folder
- > - Add-on Apps
  - > - Fax sending and receiving

## Untitled

- > - Utilities
  - > - Create one-time passwords (not used with SSS)
  - > - Change Radius Password (probably not used with Sun)
- > - Administration
  - > - Detailed usage logs on activity
  - > - File Systems view-able
  - > - Many security parameters....
- > Issues/Unresolved Items
  - > - Faximilator vs. Vividata
    - > Faximilator seems better choice because functionality is
    - > greater and implementation is potentially less
  - > - Solaris version = 2.6
  - > - Dependencies: Copy of 2.6 for TotalNet Support
  - > - JavawebServer- must order Verisign Certificate (Sun)
  - > - NFM functions administered through browser, but standard Solaris
  - > features will be implemented via normal CDE interface

they might like to see a list here...

e.g., "halt", "reboot", "admintool" functions, network diagnostics, routing administration, etc. the distinction might be more between the Solaris system's admin vs. the RP sysadmin...?

- > Status
  - > - Currently on-track for deliverable dates
  - > - (LIST Deliverables Here)

Clarification needed on the following:

DNS is what we use for name services, but the logical thing for Sun is NIS. "it would be nice", but i'd rather not promise it if we don't have to.

Likewise for user authentication, NIS would be logical and nice to have, but it's not called out for in the "spec", and we use Radius and local authentication.

there was no documentation specified.

**NOTICE TO VENDOR**

LABEL ALL CONTAINERS AND SEND APPROPRIATE FORMS TO:

**PURCHASE ORDER**

NO. 0962644

 MASS. SALES TAX  
EXEMPTION NO.:  
E042-103-545

 PREPAY ALL SHIPPING  
NOT INCLUDED IN PRICE  
COLLECT SHIPMENTS  
RETURNED AT YOUR C

*Exhibit B*

 FOR ASSISTANCE, CALL PURCHASING: (617) 552-3055 ASK FOR: LAURIE A SIMARD  
OR USE FAX: (617) 552-2362 REFERENCE P.O.# AND ABOVE BUYER

PAGE 1 OF 1

**VENDOR**

 I-PLANET INC  
1390 BORREGAS AVE  
SUNNYVALE CA 94086

**SHIP  
TO**
**BOSTON COLLEGE**

 TECH. PLNGG/INTEGRN  
205B SERVICE BUILDING  
140 COMMONWEALTH AVE  
CHESTNUT HILL MA 02167-3814

ATTN: L.DONIGER

 F.O.B.: DESTINATION  
SHIPPING COSTS: UNKNOWN  
PAYMENT TERMS: NET 30 DAYS  
DELIVERY REQD: 28/ /04

**INSIDE DELIVERY REQUIRED**

REF	QUANTITY	UNIT	CATALOG/MODEL	ITEM DESCRIPTION / SPECIFICATIONS	UNIT PRICE	TOTAL
001	2	EACH	RPSRVR	REMOTE PASSAGE SERVER	4997.50	9995.00
002	12	EACH	RPSRVR	REMOTE PASSAGE SERVER	200.00	2400.00
					<b>***TOTAL**</b>	<b>12395.00</b>

**BILL  
TO**

 BOSTON COLLEGE PURCHASING DEPT.  
MORE HALL 180  
140 COMMONWEALTH AVENUE  
CHESTNUT HILL, MA 02167-3819  
ATTN: LAURIE A SIMARD

**3 INVOICE  
COPIES ARE  
REQUIRED**

FOR: TRUSTEES OF BOSTON COLLEGE

DATE

BY:

AUTHORIZED AGENT

900428721257417044010117

4/28/98

Exhibit C

**i-Planet, Inc.**  
1390 Borregas Avenue  
Sunnyvale, CA 94089  
(408)745-1500 Fax (408)745-6680

**Shipping Order**  
**98047**

**Bill To**

Boston College  
140 Commonwealth Avenue  
Service Bldg. 205B  
Chestnut Hill, MA 02167  
USA

Attention: L. Doniger

**Ship To**

Boston College  
Tech Planning/Integration  
140 Commonwealth Ave, Svc Building 205B  
Chestnut Hill MA 02167  
USA

Purchase Order	Invoice Number	F.O.B.	Ship Date	Ship Via
0862644		Sunnyvale, CA	5/6/98	UPS

Quantity	Description	Serial Number
2	RemotePassage Server	97249-48624
	(This unit previously delivered)	97250-24312
1	Year Support Contract	

OK to ship



Received by

Date

If you have any questions concerning this shipping order, call: Mark Yamaguma, (408)745-1500 x117